IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 178 of 2007()

Crime No.236/05 of Kenichira Police Station

: PETITIONER/ACCUSED

BINOY, S/O. SIVARAMAN,
MUKKALEL HOUSE, ATHERATHIKKUNNU,
KENICHIRA.

BY ADV. SRI.LALJI P.THOMAS
SRI.A.AHZAR

RESPONDENT: COMPLAINANT

S.I. OF POLICE, KENICHIRA POLICE STATION
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 178 of 2007

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Dated this the 15th day of January, 2007.

ORDER

Petitioner, who is the accused in Crime No.236 of 2005 of Kenichira Police Station for offences punishable under Sections 450, 376 and 506(2) I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The alleged occurrence took place on 23.4.2005. The complaint is said to have been lodged on 21.12.2005 after eight month in the form of a private complaint filed before the Magistrate. The de facto complainant is said to have delivered a child on 21.2.2006.

4. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature. However, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then have his regular bail application disposed of by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 17.1.2007 and 19.1.2007 for the purpose of custodial interrogation

and obtaining the potential certificate, etc. The petitioner shall thereafter be produced before the Magistrate on the same day. The Magistrate shall dispose of the application, if any, filed by the petitioner for regular bail preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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